

In addition, Claim 13 which was indicated as presenting allowable subject matter, has been rewritten in independent form as new Claim 18 with new dependent Claim 19 corresponding to allowed Claim 14. Lastly, Claim 1 has been amended and new Claim 16 presented to better define the present invention in view of the principal cited reference to Wehl et al., No. 3,443,259. Favorable reconsideration is respectfully solicited.

Claims 1-12 and 15 stand rejected under 35 USC § 102(b) as being anticipated by Wehl et al., No. 3,443,259. Applicant respectfully disagrees with this rejection. The present invention is directed to a device comprising, inter alia, a housing for an electrical load that has a cavity for receiving a housingless temperature-dependent switching mechanism. The cited Wehl et al. patent is merely directed to a thermostatic switch. The suggestion by the Examiner that the housing part (2) comprises the housing for an electrical load is simply not correct. Nowhere in the Wehl et al. patent is it suggested that the housing part (2) is intended to house an electrical load. The cited passage (col. 1, lines 25-28) of Wehl et al. merely states:

"This invention relates to small mass-produced thermostatic switches such as are used for overload protective purposes with small electric motors, home appliances, etc."

Thus, the "electric loads" referred to in the cited passage are small electric motors and home appliances. Clearly, the tubular casing (2) shown in the drawings is not intended to house small electric motors and home appliances. In point of fact, the intended electric loads to be protected from overload conditions by the thermostatic switch of Wehl et al. are not shown in the patent. Accordingly, it is apparent that Wehl et al. does not show a housing for an electric load. Claim 1 has been amended to emphasize this distinction.

In addition, the housing in the present invention includes a cavity for receiving a temperature-dependent switching mechanism that is distinct from the assembly as disclosed in Fig. 7 of Wehl et al. Specifically, the switching mechanism according to Claim 1 does not comprise any countercontacts for the movable part of the switching mechanism, as is the case with the thermostatic switch assembly of Fig. 7 of Wehl et al. Rather, the countercontacts in the

present invention are fixedly provided inside the cavity of the housing part for the electrical load. This means that the temperature-dependent switching mechanism according to Claim 1 consists essentially only of a movable part for coacting with the countercontacts that are fixedly provided in the cavity of the housing. If the switching mechanism of Claim 1 is removed from the cavity, it cannot be used – in contrast to the assembly of Fig. 7 in Wehl et al. -- as a thermostatic switch without additional coacting parts.


Moreover, it is respectfully submitted that it would not have been obvious for a person of ordinary skill in the art to modify the thermostatic switch known from Wehl et al. in such a way as to integrate casing 2 into a casing for an electrical load and further to fixedly locate the countercontacts (terminal arms 6 and 8) from the thermostat assembly 3 in a cavity of the housing.

Newly presented Claim 16 has similarly been drafted to recite these distinctions. In addition, Claim 16 recites that one of the countercontacts is arranged on a cover that sealingly closes off the cavity in the housing after the switching mechanism has been set in place. The Wehl et al. reference does not teach or suggest this construction.

Accordingly, amended Claim 1 as well as new Claim 16 are believed to present patentable subject matter. The present application is therefore believed to be in condition for allowance. Favorable reconsideration is respectfully solicited.

Respectfully submitted, 

Dated: April 3, 2002

By: 
Christopher M. Brock
Reg. No. 27313

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

ATTACHMENT FOR CLAIM AMENDMENTS

The following is a marked up version of each amended claim in which underlines indicate insertions and brackets indicate deletions.

1. (Amended) A device, comprising an electrical load, a housing part for said electrical load, an external terminal for supplying electricity to said load, a cavity provided in said housing part for receiving a housingless temperature-dependent switching mechanism, said switching mechanism protecting said load from overtemperature and overcurrent, respectively, a first and a second countercontact being fixedly provided in said cavity, said first countercontact being electrically connected to said load and said second countercontact being electrically connected to said external terminal, said cavity being configured to receive said housingless switching mechanism such that said switching mechanism when [being] below its response temperature is in direct electrical contact with said first and second countercontacts for electrically interconnecting said first and second countercontact with each other.

12. (Amended) A device as in Claim 6, wherein the bimetallic element is configured as a bimetallic tongue that at its first end is attached to a [the] guide element ~~being inserted together with the switching mechanism into the cavity~~, and at its free end carries the movable contact element.

13. (Amended) A device as in Claim 7, wherein the spring element is configured as a spring tongue that at its first end is attached to a [the] guide element ~~being inserted together with the switching mechanism into the cavity~~, and at its second end is joined to a first end of the bimetallic element, which at its free end carries the movable contact element.

14. (Amended) A device as in Claim 7, wherein the spring element has a retaining extension piece that is attached to a [the] guide element ~~being inserted together with the switching mechanism into the cavity~~.

16. (New) A device, comprising an electrical load, a housing part for said electrical load, an external terminal for supplying electricity to said load, a cavity provided in said housing part for receiving a housingless temperature-dependent switching mechanism, said switching mechanism protecting said load from overtemperature and overcurrent, respectively, a cover that sealingly closes off the cavity after said switching mechanism has been set in place, a first and a second countercontact, wherein one of the two countercontacts is arranged on the cover and the other countercontact is fixedly provided in said cavity, said first countercontact being electrically connected to said load and said second countercontact being electrically connected to said external terminal, said cavity being configured to receive said housingless switching mechanism such that said switching mechanism when being below its response temperature is in direct electrical contact with said first and second countercontacts for electrically interconnecting said first and second countercontact with each other.

17. (New) A device as in Claim 16, wherein the second countercontact is arranged on the cover.

18. (New) A device, comprising an electrical load, a housing part, an external terminal for supplying electricity to said load, a housingless temperature-dependent switching mechanism protecting said load from overtemperature and overcurrent, respectively, a cavity provided in said housing part for receiving said switching mechanism, a first and a second countercontact being provided in said cavity, said first countercontact being electrically connected to said load and said second countercontact being electrically connected to said external terminal, said cavity being configured to receive said housingless switching mechanism such that said switching mechanism when being below its response temperature is in direct electrical contact with said first and second countercontacts for electrically interconnecting said first and second countercontact with each other, wherein said switching mechanism is configured as a lossproof unit comprising a bimetallic element and a movable contact element that coacts with one of the two countercontacts, and wherein said switching mechanism

comprises a spring element that is held in lossproof fashion on the contact element that coacts with the other of the two countercontacts.

19. (New) A device as in Claim 18, wherein the spring element has a retaining extension piece that is attached to the guide element.